

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

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|---------------------------------|---|---------------------------------|
| UNITED STATES OF AMERICA | § | |
| vs. | § | CAUSE NO. A-10-CR-136-SS |
| PAUL EDWARD COPELAND | § | |

MOTION TO DISMISS INDICTMENT

NOW COMES PAUL COPELAND, 'hereafter 'Copeland', Defendant, through his attorney of record, and moves to dismiss the indictment filed against him in this matter for improper conduct before the grand jury and shows as follows:

I.

Attorney of record received a copy of the grand jury transcript on May 7, 2010. In the transcript it is apparent the grand jurors were subjected at length to testimony regarding the sale of firearms by unlicensed individuals in violation of federal law at Austin area gun shows, which result in sales of firearms to felons and illegal aliens. Copeland is linked with these activities, implying he is an unlicensed gun dealer in violation of federal law, and as such engaged in criminal conduct not alleged in the indictment, and for which he was not being investigated. Copeland is prejudiced by this implication. *Bank of Nova Scotia v. United States*, 487 U.S. 250 (1988).

WHEREFORE, Defendant respectfully requests the Court review the transcript of the Grand Jury proceedings, and order the indictment filed in this matter be dismissed.

Respectfully submitted,

/s/ Guillermo Gonzalez
Guillermo Gonzalez
State Bar No. 08126700
603 West 17th Street
Austin, Texas 78701
(512) 474-8001 Telephone
(512) 474-8006 Fax
Attorney for Defendant

CERTIFICATE OF SERVICE

I hereby certify that on May 12, 2010, a true and correct copy of the foregoing instrument was electronically filed with the Clerk of the Court, using the CM/ECF system which will transmit notification of such filing to all counsel of record.

AUSA James Booher
816 Congress Ave., Suite 1000
Austin, Texas 78701

/s/ Guillermo Gonzalez
Guillermo Gonzalez

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CAUSE NO. A-10-CR-136-SS

PAUL EDWARD COPELAND

§

ORDER

The Defendant's Motion to Dismiss the Indictment is hereby:

Granted.

Denied.

So ordered on this the _____ day of _____, 2010.

UNITED STATES DISTRICT JUDGE